UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,815	04/30/2001	Jacob McGuire	PA3995US	9953

22830   7590   03/20/2008

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EXAMINER
HU, JINSONG

ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
03/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.　　In view of the Appeal Brief filed on 9/29/05, PROSECUTION IS HEREBY

REOPENED. New grounds of rejections are set forth below.

　　　To avoid abandonment of the application, appellant must exercise one of the

following two options:

　　　(1) file a reply under 37 CFR 1.111; or,

　　　(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a

supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or

1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2.　　Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 101

3.　　35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.　　Claims 5-8 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 8 directs to an interface including

means, but the specification does not define "means". It could be interpreted as both

software and hardware, such as software code or wave carrier, which do not fall within

any statutory subject categories. Correction is required.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

As per claim 1, the relationship among "parameters", "generic commands" and

"device-specific commands" have not been clearly explained and defined. The last step

in the claim directs using both parameters and generic commands to configure a device.

The system seems only need the parameter to determine/select/issue a generic

command which already has been stored in the library, it does not need to convert a

generic command to a device-specific command as claimed early. The claim also never

mentioned the device-specific command in the configuration step.

Correction is required.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1-4, 9, 11-12, 14, 16-17 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Malik et al. (US 5,832,503).

9.   As per claims 1, 14 and 18-19, Malik teaches the invention as claimed including a system for automatically configuring a plurality of different types of network devices [paragraph 1, lines 1-3], comprising:

        a library of generic commands that can be applied to said devices and converters for converting each of said generic commands into device-specific commands to be applied to individual network devices [col. 2, lines 10-49];

        a database storing configuration parameters [value of attributes] for said plurality of network devices [col. 2, lines 18-24; col. 8, lines 40-53;] and

        a configuration interface which receives said parameters the database and issues generic commands to said library to cause individual ones of said devices to be configured in accordance with said parameters [col. 7, lines 28-46].

10.   As per claim 2, Malik teaches the step of issuing commands to said library to obtain configuration from individual devices and stores said information in said database [col. 3, lines 42-46].

11.   As per claims 3 and 4, Malik teaches the configuration parameters are stored in

said database as a model containing a list of values to which each configuration

parameter in an individual one of said devices is to be set [col. 3, lines 13-41].

12.   As per claim 9, Malik teaches a memory storing a template which contains a

sequence of commands for configuring each of a plurality of devices of a given type,

wherein each command that referrers to a particular device contains a variable as the

identification of the device; and wherein said database, stores a record which indicates

the respective network address of each specific device for which a given device is to he

configured, and said interface is responsive to a command and to configure a given

device for retrieving said template and the stored record associated with said given

device, substituting the network addresses in the retrieved record for the variables in

said template, and issuing commands to configure the given device in accordance with

said retrieved record and said template [col. 3, lines 12-25; col. 6, line 53 – col. 7, line

65].

13.   As per claims 11 and 12, Malik teaches a plurality of templates are stored in said

memory, each corresponding to a different respective type of device [col. 8, lines 24-

36].

14.   As per claims 16-17 and 20-21, since they are method claims of claims 1-4, they

are rejected for the same basis as claims 1-4 above.

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

16.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et

al. (US 5,832,503) as applied to claims 1-4, 9, 11-12, 14, 16-17 and 20-21 above , in

view of Merchant et al. (US 2002/0128815 A1).

17.   As per claim 8, Malik teaches the invention substantially as claimed in claim 1.

Malik does not specifically teach determining the type of device by analyzing response

message. However, Merchant in the other hand teaches the interface includes

commanding a console server send a message to each console connected to said

console server; analyzing a response to said message provided by each console to

determine the type of device which transmitted response; and means for displaying a

list of device types corresponding to the consoles connected to said console server

[paragraphs 31-32]. It would have been obvious to a person of ordinary skill in the art at

the time the invention was made to include the message analyzing step in Malik's

system because do so would enable the system obtain accurate information for the

network device which is going to be configured.

18.   Claims 10, 13, 15 and 18-19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Malik et al. (US 5,832,503) as applied to claims 1-4, 9, 11-12, 14, 16-

17 and 20-21 above , in view of "Official Notice".

19.   As per claim 10, Malik teahces the invention substantially as claimed in claim 8.

Malik does not specifically teach the network addresses comprise Internet Protocol (IP)

addresses. However, "Official Notice" is taken that both the concept and advantages of

providing for IP address is well known and expected in the art. It would have been

obvious to a person of ordinary skill in the art include Internet protocol address of device

in Malik's system because doing so would improve the functionality of the system by

allowing configuring devices though Internet. One of ordinary skill in the art would have

been motivated to modify Malik's system with Internet protocol to improve the

functionality of the system.

20.   As per claims 13 and 18-19, Malik teaches the invention substantially as claimed

in claim 1. Malik does not specifically teach a queue for individually retrieved and

forwarded commands to the library by said interface. However, "Official Notice" is taken

that both the concept and advantages of providing for queue is well known and

expected in the art. It would have been obvious to a person of ordinary skill in the art

include a queue in Malik's system because doing so would increase the data

transmitting speed of the system. One of ordinary skill in the art would have been

motivated to modify Malik's system to increase the efficiency of the system.

21.   As per claim 15, Malik teaches the invention substantially as claimed in claim 1.

Malik does not specifically teach said transmission protocols comprise Telnet. However,

"Official Notice" is taken that both the concept and advantages of providing for Telnet is

well known and expected in the art. It would have been obvious to a person of ordinary

skill in the art include telnet in Malik's system because doing so would bring

convenience to user by allowing them choose the protocol based on their preference or

need.

Allowable Subject Matter

22.   Claims 5-7 are not rejected under art.

Conclusion

23.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965.

The examiner can normally be reached on 8:00 AM - 5:30 PM.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-8300.

       Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Jinsong   Hu/

Primary Examiner, Art Unit 2154